IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO: 24031 of 2003

Between:

1 Sri Biotech, 5-A36, Prashanthinagar, Hyderabad rep. by its Chief Executive Sri Dr. K.R.K. Reddy
S/o Mr. K.V. Reddy, aged about 42 years
2 Viswamitra Bio Agro Pvt Ltd., LAM, Industrial Estate, Guntur-34,
Rep. by its Managing Director, Sri A. Nageswara Rao s/o A. Subbarao,
aged about 40 years
3 Shakti Bio Tech, H.No. 70-7-6/3, Nagarjuna Street, Bhavanipuram, Vijayawada,
rep. by its Managing Director Sri M. Ashok Kumar S/o M .D Prasadarao, aged about 43 years
4 Pragati Biofertilizers, No.6, Red Land, Dargamitta, Nellore -3, Rep. by Prop: B. Nareshreddy
S/o Dasaratha Rami Reddy, aged about 44 years
5 SAM Agritech Ltd., 154, A/5, S.V. Cooperative Industrial Estatge, IDA,. Bolaram, Secunderabad,
rep. by its Director Sri Dr. D. Venkatesh s/o D.R. Iyyangar, aged about 47 years
6 Biotech Agri Science, Plot No.99, Kukatpally, Hyderabad, rep. by its Chief Executive Officer,
Sri A.V.R. Swamy s/o A. Purnaiah, aged about 44 years
7 Varssa Bio Science & Technology, J.S. Reddy Sports Club Road, Balaji Nagar, Hyderabad
rep. by its Proprietor Dr.A. John Peter S/o Mr. P. Arun Mari Nathan, aged about 37 years
8 K.N. Biosciences India Pvt. Ltd., Plot No. 2, Miyapur, Hyderabad
rep. by its Managing Director Mrs. Sudha Reddy D/o Mr. Bhaskar Reddy, 35 years
9 Agri Life, 23, Sancharpuri Colony, New Bowenpally, Secunderabad-11,
rep. by its Chief Executive Officer Sri G.S. Srikanta, S/o G. Subbaraya, aged about 42 years

.....PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by Principal Secretary,
Food and Agriculture Department, Secretariat, Hyderabad
2 Commissioner and Director of Agriculture, Government of Andhra Pradesh,
Gunfoundry, Hyderabad
3 Central Insecticides Board, rep. by is Chairman, New Delhi

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of mandamus or any other appropriate writ declaring that the action of the 2nd respondent contained in memo No. PP/II(3)/1440/2003 dated 17-10-2003 purporting to prohibit the petitioners from manufacturing and selling Bio Pesticides, is arbitrary and without jurisdiction and direct the respondents not to interfere with the manufacture and sale of Bio pesticides by the petitioners till such time the 3rd respondent does not announce the standardised parameters relating to the efficacy of each of the Bio pesticides as enumerated in the schedule to the Insecticides Act, 1968 and grant such other relief as it deems fit in the circumsances of the case.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondents : GP FOR AGRICULTURE FOR R1 & 2

The Court made the following :

ORDER: -

This writ petition has been filed by the petitioners questioning the Memo dated 17-10-2003 issued by the Commissioner and Director of A.P. Agriculture, Hyderabad, permitting liquidation of stocks alleging that petitioners are manufacturing and selling pesticides without obtaining the manufacturing licence.

The learned Counsel appearing for the petitioners submits that the Central Insecticides Board has not announced the standardized parameters relating to efficacy of each of the pesticides as enumerated in the Schedule to the Insecticides Act, 1968 (for short, ‘the Act’), the respondents 1 and 2 cannot

interfere with the manufacture and sale of pesticides by the petitioners.

It is stated that in the connected writ petitions, the third respondent has filed a counter affidavit stating that the third respondent has announced the standardized parameters relating to efficacy of pesticides as enumerated in the Schedule to the Act and therefore, it is for the petitioners to get approval their products from the third respondent and thereafter to get Licence from the second respondent.

In view of the necessary guidelines and parameters already announced by the third respondent, this Court dismissed the W.P.No.21493 of 2004 on 23-03-2005. Following the aforementioned order, this writ petition is also dismissed.

However, it is made clear that the applications filed by the petitioners before the third respondent may be disposed of in accordance with the guidelines, as expeditiously as possible.

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V. ESWARAIAH, J

Dt.28-03-2005

MRKR

To

1 The Principal Secretary, Government of Andhra Pradesh, Rep. by Food and Agriculture Department, Secretariat, Hyderabad
2 The Commissioner and Director of Agriculture, Government of Andhra Pradesh, Gunfoundry, Hyderabad
3 The Chairman, Central Insecticides Board, New Delhi

4 Two C.Cs to the Government Pleader for Agriculture, High Court Buildings, Hyderabad.

5 Two C.D.copies.

Form-NIC-OGS/WP